

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brown et al.
Application No.:	Not yet assigned
Filed:	Concurrently herewith
For:	Improved Longitudinally Flexible Expandable Stent
Examiner:	Not yet assigned
Group Art Unit:	Not yet assigned

Box Patent Application
 Commissioner for Patents
 Washington, D.C. 20231

Docket No.: S63.2-10079

PRELIMINARY AMENDMENT

Before beginning examination and calculating the fees in this application, please amend the above-identified application as indicated below:

In the Specification

Please amend the specification on page 1, by replacing the paragraph starting on line 3 with the following paragraph:

--This application is a Continuation application from US Application No. 08/511,076 filed August 3, 1995 which is a continuation in part from US Application No. 08/396,569 filed March 1, 1995, the contents of both of which are hereby incorporated by reference --

In the Claims

Please cancel claims 1-8 without prejudice or disclaimer and add claims 9-14 as follows:

--9.(New) A stent having a plurality of segments and comprising:

a plurality of annular elements, each annular element having a compressed state and an expanded state;

at least one connecting member connecting adjacent annular elements to form a plurality of cells, each cell having an area;

the stent having a first segment and a second segment, with the first segment having a plurality of combined adjacent cells that impart greater flexibility to the first segment than the second segment.

10.(New) The stent of claim 9, wherein each annular element comprises a plurality of alternating struts and apices connected to each other to form a substantially annular configuration, and wherein the connecting members are connected to the apices of the adjacent annular members.

11.(New) The stent of claim 9, wherein the difference in flexibility between the first and second segments is a difference in the longitudinal flexibilities in the first and second segments.

12.(New) The stent of claim 9, wherein the difference in flexibility between the first and second segments is a difference in the radial flexibilities in the first and second segments.

13.(New) The stent of claim 9, wherein the first and second segments are spaced apart longitudinally along the stent.

14.(New) The stent of claim 9 wherein the annular elements and connecting members are made of Nitinol.

15.(New) The stent of claim 9 wherein the annular elements and connecting members are made of a shape memory alloy.--

In the Abstract

On page 7, please replace the abstract, beginning on line 5, with the following abstract:

--A stent is provided with a plurality of annular elements. Each annular element has a compressed state and an expanded state. At least one connecting member connects adjacent annular elements to form a plurality of cells with each cell having an area. The stent has a first segment and a second segment, with the first segment having a plurality of combined adjacent cells that impart greater flexibility to the first segment than the second segment.--

REMARKS

This application is a continuation of US Application No. 08/511,076 filed August 3, 1995 which is a continuation in part from US Application No. 08/396,569 filed March 1, 1995. The specification has been amended to reflect this chain of continuity.

Claims 1-8 have been canceled from the application without prejudice or disclaimer in order to prosecute new claims 9-14. Support for new claims 9-13 is found in Fig. 4 and page 5, lines 4-9 of the application as filed and in the parent application, US Application No. 08/511,076. Support for claims 14 and 15 is found on page 5, line 15 of the application as filed and of the parent application, US Application No. 08/511,076. No new matter has been added.

In accordance with 37 CFR 1.607(c), Applicant notes that many of the above claims correspond substantially to claims from US 6,106,548 to Roubin et. al. (Roubin), issued August 22, 2000. The claims are not identical, however, in that the "wherein" clause of claim 1 of Roubin has been omitted in claim 9 of the instant application.

A table indicating the correspondence is provided below.

<u>Claim in instant application</u>	<u>Claim in Roubin</u>
9	1;
10	2;
11	5;
12	6;
13	7;
14	1; and
15	1.


Applicant notes, however, that the correspondence identified above is not intended to constitute a statement that the scope of the claims is identical.

Respectfully submitted,

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[illegible]

The application has been amended on page 1 by replacing the paragraph beginning on line 3 as follows:

[This application is a Continuation application of application Serial No. 08/396,569, filed March 1, 1995, the disclosure of which is hereby incorporated by reference.] This application is a Continuation application from US Application No. 08/511,076 filed August 3, 1995 which is a continuation in part from US Application No. 08/396,569 filed March 1, 1995, the contents of both of which are hereby incorporated by reference.

On page 7, the abstract, beginning on line 5, has been amended as follows:

[Segmented articulatable stent of open structure comprised of end-connected struts making up the segments with angular interconnects between segments.] A stent is provided with a plurality of annular elements. Each annular element has a compressed state and an expanded state. At least one connecting member connects adjacent annular elements to form a plurality of cells with each cell having an area. The stent has a first segment and a second segment, with the first segment having a plurality of combined adjacent cells that impart greater flexibility to the first segment than the second segment.

Claims 1-8 have been canceled and new claims 9-15 added to the application.